

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., *et al.*

Debtors.

Chapter 11

Case No. 08-35653-KRH

Jointly Administered

Judge Kevin R. Huennekens

**SOUTHROADS, L.L.C.'S RESPONSE TO
DEBTORS' TENTH OMNIBUS OBJECTION TO CERTAIN PUNITIVE CLAIMS**

COMES NOW Southroads, L.L.C. ("Southroads"), through its undersigned counsel, pursuant to Fed. R. Bankr. P. 3007, Local Bankruptcy Rule 3007-1(D), and this Court's April 1, 2009 Order Establishing Omnibus Objection Procedures and Approving the Form and Manner of Notice of Omnibus Objections [Docket No. 2881], and responds to the Debtors' Tenth Omnibus Objection to Certain Punitive Claims [Docket No. 3513] and states as follows:

Argument

1. The Debtors filed voluntary petitions under chapter 11 of the Bankruptcy Code on November 10, 2008 and continue to manage their affairs as debtors-in-possession.
2. Southroads is a landlord and Circuit City Stores, Inc. ("Tenant") is the tenant under that certain Lease Agreement dated January 12, 1998 (the "Lease Agreement"). The Debtor rejected the Lease Agreement on February 23, 2009.

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3. The Debtors filed their Tenth Omnibus Objection to Certain Duplicative Claims on or about June 4, 2009 (the "Objection"). In the Objection, the Debtors object to two claims filed by Southroads – Claim Number 10264 and 8591 – as being duplicative.

4. The claims register identifies four claims filed by Southroads as follows:

- Claim No. 8591 filed on January 26, 2009 in the amount of \$30,568.25;
- Claim No. 10264 filed on January 30, 2009 in the amount of \$30,568.25;
- Claim No. 11618 filed on February 2, 2009 in the amount of \$30,568.25; and
- Claim No. 11581 filed on March 12, 2009 in the amount of \$30,568.25.

5. Southroads acknowledges that the four claims identified in paragraph 4 above claim duplicative amounts. However, Southroads asserts that it is premature to disallow Claim Nos. 8581 and 10264 on the grounds of being duplicative until all claims filed by Southroads gave been resolved. For example, if the Debtors later file objections to Claim Nos. 11618 or 11581 as untimely, then Southroads would be left with no claim even though Claim Nos. 8591 and 10264 were filed prior to the bar date.

6. Accordingly, prior to a determination of the status of Claim Nos. 8581 and 10264, Southroads requests that the Debtors acknowledge that one of the remaining claims, either Claim No. 11618 or Claim No. 11581, is a timely filed and non-duplicative claim.

WHEREFORE, having responded to the Debtors' Tenth Omnibus Objection to Certain Duplicative Claims, Southroads, L.L.C. respectfully requests that this Court overrule this Objection as it relates to Southroads' Claim Nos. 8591, 10264, 11618 and 11581; and for such other and further relief as may be proper.

Respectfully submitted this 29th day of June, 2009.

/s/ Richard E. Hagerty

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CERTIFICATE OF SERVICE

This is to certify that on this 29th day of June, 2009, I have served the foregoing *Response* (i) electronically or by first-class mail, postage prepaid on the “2002” and “Core” lists and (ii) through the Court’s ECF System.

/s/ Richard E. Hagerty

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